The Mysore Gazette.

Vol. 44.] PUBLISHED BY AUTHORITY. [No. 6.

BANGALORE, THURSDAY, FEBRUARY 11, 1909.

PART III.

Legislative Measures and Rules thereunder.

No. J. 2317—Cts. 223-08-4, dated 9th February 1909.

The following Rules framed by the Chief Court under para 3 of Section 269 of the Code of Civil Procedure and approved by Government are published for general information :—

1. When attached movables are kept in Court for more than six months, they may be sold after notice to the parties and claimants, if any, and the proceeds after defraying the expenses of notice and sale shall be deposited in the Treasury and disposed of in the same manner in which the attached property would have been disposed of. The cost of sale will be met in the first instance from the permanent advance with the Nazir and then recouped out of the sale proceeds.

2. In the case of live stock which are attached, they shall be sold on the next day after two months from the date of attachment unless the judgment-debtor applies to the Court for their sale earlier and the proceeds of such sale after defraying the expenses shall be deposited in the Treasury and dealt with as the attached property would have been dealt with.

3. Any property, the value of which is, in the opinion of the Court, less than Rs. 10, may be sold after the time fixed without notice and the sale proceeds after defraying the expenses shall be treated as attached property.

4. If the person, whose property is attached, or from whose custody it is taken, gives security to the satisfaction of the Court, the property may be handed over to him. Live stock attached may, on similar terms, be handed over to the attaching creditor, after notice to the owner, if the judgment-debtor or the person from whose custody it was taken does not wish to provide for its maintenance and custody.

5. When attached property is left in the custody of a surety, the surety may apply for its sale or for his being released from his liability. The Court shall thereupon direct notice of such application to issue to the parties at the surety's cost, and if the parties interested do not take steps to get the property sold or released

within the time fixed, it may be sold and the proceeds shall be deposited in Court, after paying the surety the costs properly incurred by him in issuing the notice and in taking care of the property.

Such application shall, in the case of live stock, be made by the surety within sixty days from the date of attachment and in default he shall not be entitled to the cost of maintenance and custody beyond the said period.

6. In cases in which expense is incurred for the care and custody of attached property, such as live stock, such expenditure will not be allowed for a longer period than two months, provided however, that it shall in no case exceed the value of the property. The person in charge may, however, in the case of postponement of sale, apply to the Court at the end of every period of two months for an order for payment of such expenditure. In case in which the postponement of sale is occasioned by the intervention of a claim to attached property, the expenses incurred during the period of postponement shall be borne by the claimant if he fails to establish his claim and by the attaching creditor if such claim is allowed.

7. When the expenditure for the maintenance and custody of attached property is likely to be unreasonably large, the provisions of Section 269 of the Code of Civil Procedure for immediate sale should be enforced.

8. When cattle or other live stock are in the custody of a surety or of the attaching creditor, the Court may, in its discretion, disallow either wholly or in part, the remuneration due to him for keeping and feeding them, if he uses them in any profitable manner.

These rules shall be read as supplementing those issued with Government Notification No. 4671-399, dated the 12th October 1899, as amended by Government Notification No. J. 225—Cts. 202-05-6, dated the 25th July 1906.

By Order,
C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt.